

Department of Transportation

Office of the Secretary
Washington, D.C.

ORDER

DOT 1600.23

3-3-72

SUBJECT: DEMONSTRATIONS IN OR NEAR GOVERNMENT BUILDINGS

1. PURPOSE. To promulgate formally for the Department of Transportation (DOT) national policy regarding demonstrations at Government buildings and to revise DOT implementing provisions which had been announced by Secretarial memorandum dated May 7, 1968.
2. SCOPE. The provisions of this order apply to the Office of the Secretary (OST) and the operating administrations. In addition, pursuant to delegation by the National Transportation Safety Board (NTSB) under Section 5(m) of the DOT Act, this directive is applicable to the NTSB.
3. POLICY. By memorandum number 572, attached hereto, the Attorney General restated basic policy and procedures to be followed in connection with demonstrations in or near Government buildings. This statement is still valid. As used herein, the term "Government buildings" includes leased space as well as Federally owned buildings. The policy is applicable to operational facilities as well as administrative type facilities.
4. PROVISIONS.
 - a. Heads of administrations and the Chairman, NTSB, shall assure that plans are prepared and kept current, in consonance with the Attorney General's guide, for regional or district facilities under their respective cognizance, whether the DOT elements are sole or joint tenants. Information shall be forwarded through command channels to the Assistant Secretary for Administration of significant impending or ongoing demonstrations which may affect Departmental elements.
 - b. The Assistant Secretary for Administration shall act on behalf of the Department for the Washington headquarters buildings. The Director of Public Affairs shall assist by responding with him and addressing the demonstrators when such action appears warranted. Further, the appropriate administrator or his designee shall assist the Assistant Secretary for Administration when a demonstration is directed toward a specific administration.

FOR THE SECRETARY OF TRANSPORTATION:



William S. Heffelfinger
Assistant Secretary
Administration

DISTRIBUTION: All Secretarial Offices
All Operating Administrations
National Transportation Safety Board

OPI: Office of
Investigations
and Security



Office of the Attorney General

Washington, D. C. 20530

April 22, 1968

MEMO NO. 572

MEMORANDUM TO ALL HEADS OF DEPARTMENTS AND AGENCIES
TN.-WASHINGTON, D. C.

RE: Remonstrations in or near Government Buildings

This is to restate the basic procedures to be followed in connection with demonstrations in or near Government buildings.

1. GSA building guards and other building personnel should be on the alert for attempts by demonstrators to enter Government buildings and interfere with Government functions. Every practical step should be taken to forestall such infiltration. When building guards detect an appreciable number of demonstrators in the vicinity of the building, they should permit access only to persons who can show a proper purpose for entry, and, if necessary, they should close entrances as circumstances indicate.

2. The highest ranking civilian official present in the building should be informed immediately if an appreciable number of demonstrators are in the vicinity of the building or reliably reported en route to the building. The highest ranking official, or an alternate high ranking official designated in advance, should promptly take charge of the situation. He should bring a public information officer to the scene. The Department of Justice (Criminal Division -- 737-8200, Ext. 2624), the Chief of GSA Building Guards (343-1100, Ext. 28587 or 13-28587), and the Metropolitan Police Department (626-2000) should be informed promptly.

3. Sufficient GSA Guards or other law enforcement personnel should be promptly brought to the scene. Care should be taken to deploy such personnel in the least provocative manner which will be effective.

4. If demonstrators attempt to enter or after entry refuse to depart, or if there is otherwise a threat to Government functions or property, the official-in-charge, when feasible, should talk to the leaders of the demonstration to find out exactly what they want or propose to do. If the demonstrators are disorderly or if they will not agree to a voluntary departure from the building, the official-in-charge

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should take steps to require their withdrawal. The official-in-charge should determine that sufficient law enforcement personnel are on hand and then inform the demonstrators that they must leave the building within some brief period of time (for example, fifteen minutes) or face arrest. If the official-in-charge believes there is some reason not to follow this procedure, he should consult with the Assistant Attorney General in charge of the Criminal Division where circumstances permit.

Should the demonstrators refuse to leave, they should be placed under arrest and removed from the building as soon as is practicable. The minimum amount of force necessary to accomplish the purpose should be employed. In lie-in situations, use of stretchers and wheel chairs can help insure use of minimum force.

5. The official-in-charge should consider what other actions may be necessary to protect the integrity of Government operations without infringing the rights of the demonstrators. If, at any time during the demonstration, the demonstrators injure persons or property, arrests should be made in accordance with regular arrest standards. Whenever possible, the official-in-charge should consult with the Assistant Attorney General in charge of the Criminal Division prior to such arrests.

6. Attached are guidelines which we have distributed to all United States Attorneys. These guidelines are oriented to problems outside the Federal city, but they are also generally relevant in Washington.

Ramsey Clark
ATTORNEY GENERAL

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

October 32, 1967
MEMO No. 541

TO: ALL UNITED STATES ATTORNEYS

This will update and supersede all previous memoranda regarding demonstrations at federal courthouses and on property owned or under the control of the Federal Government.

It is important that the Federal Government follow uniform policies and procedures in such situations insofar as possible. Our general policy must be to be prepared to deal adequately and properly, with whatever situations may arise. This policy involves three basic elements:

- (a) To be informed as to impending situations;
- (b) To have adequate forces on hand to deal with situations that do arise; and
- (c) To apply the least amount of force that is necessary to protect the persons, the functions and the property for which the Federal Government is responsible, without unnecessarily curtailing the freedom of expression of the demonstrators.

The following is furnished for your guidance in preparing for any demonstrations.

1. Keep informed through press media and other sources of information of planned or predicted events and activities which might culminate in demonstrations or "sit-ins" on Federal property.

2. Immediately upon learning of a potential demonstration, contact the regional or area supervisors representing the agencies **in** charge of any Federal property within your jurisdiction which **is likely** to be involved--General Services Administration, Post Office Department, etc.

3. The jurisdictional status of Federal property likely to **be** the scene of any demonstration should be clearly and immediately established.

4. In cases of Federal property falling within concurrent jurisdiction or exclusive state jurisdiction, you should negotiate commitments from state or local police so that they will respond to requests from your office or from the agency in charge of the building with sufficient forces to deal with the **situation** which is **anticipated**. In cases involving Federal property falling within exclusive Federal jurisdiction, you should also endeavor to have demonstrations handled by state or local police. The reason for this policy is that GSA guards are generally in short supply and United States Marshals are relatively few in number and are not **in** uniform. It is therefore difficult for local federal forces to control demonstrations.

5. Determine as soon as possible whether and under what circumstances and conditions state and local police can and will assume responsibility for dealing with demonstrations. While our **basic** policy is to have them handle demonstrations in all cases, **the** desirability of this in particular situations will have to be **ascertained** in light of local conditions and in light of the size and nature of the demonstration. It is also necessary, in deciding whether and what extent we may safely rely upon state or local **police**, to inform yourself concerning their statutory authority, available manpower, training, attitude, equipment and their plans for handling such problems.

6. If in your judgment sufficient state, local and Federal forces to deal with the anticipated situation are not available, let us know immediately so that we may provide or arrange for additional forces.

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7. Enough force must be on hand to handle the situation, but we have found that excessive display of force or unnecessary display of firearms may incite additional disturbances. If you are uncertain how much force is necessary, encourage those in command to keep some of their forces in reserve in an area where they will not be seen but are readily available to supplement forces on the line,

8. Remember that physical force is to be resorted to only if necessary. It is, therefore, desirable to use whatever procedures appear most likely to attract the cooperation of the demonstrators. For example, meeting with a representative group of demonstrators for a brief period might be helpful. In such discussions, it should be made very clear that violations of law will not be tolerated and that the normal conduct of business on the Federal property must be maintained but that, subject to these limitations, demonstrators may be present and may display their feelings. Consistent with this statement, an endeavor should be made to provide a place where demonstrators can conduct good faith demonstrations in a peaceful manner.

9. In "lie-in" situations, use of devices such as stretchers and wheel chairs for removal of demonstrators can diminish the appearance of excessive force.

10. Arrest decisions involve many factors and should be weighed carefully for we are not interested in token arrests which merely afford the demonstrators another forum.

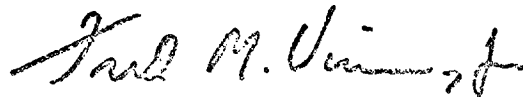
11. Attacks on or undue verbal abuse of Federal officials should not be tolerated, nor should disruption of federal functions or injury or threat of serious injury to Government property be tolerated. Among other things, we must maintain means of ingress and egress for the normal conduct of business in Federal buildings, and even peaceful demonstrators must leave the premises at the normal closing hour of the building.

Should demonstrations occur or be threatened, we will appreciate your contacting the Criminal Division by telephone and keeping us posted on developments. You may wish to contact me, Mr. Kossack, Mr. Belcher or Mr. McTiernan.

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Finally, we recognize that each situation is somewhat unique. In dealing with these matters, there is no substitute for good judgment based on adequate preparation. We rely upon you to exercise that good judgment and we will help in any way we can.

We will appreciate it if you will. give us a report on your implementation of this memorandum as soon as possible and call to OUR attention any unusual. circumstances that may exist in your district.



Fred M. Vinson, Jr.
Assistant Attorney General
Criminal Division